

EXHIBIT B

From: Alexander, Andrew <AAlexander@Calfee.com>
Sent: Tuesday, September 5, 2023 11:29 PM
To: Means, Miranda
Cc: Cipolla, John; Cendali, Dale M.; Simmons, Joshua L.; Ilardi, Chris T.; mcavanagh@mcdonaldhopkins.com; McMullen, Dan; Tucker, Todd; #Hayden-TakeTwo; Hayden-TakeTwo
Subject: RE: Hayden v. 2K Games, Inc.--Meeting re Case Management Schedule

This message is from an EXTERNAL SENDER

Be cautious, particularly with links and attachments.

Miranda,

We disagree that adding NBA 2K21 would require any additional fact or expert discovery, but we can agree to staying the 1721 Case pending resolution of the 2635 Case. As for the proposed schedule, please explain Take-Two's basis for moving for summary judgment based on the Register of Copyrights' response. We believe the Register's response resolves the issue of the validity of Mr. Hayden's copyrights in his favor and warrants promptly scheduling and proceeding with trial. And we cannot agree to delaying trial another seven months. Accordingly, we plan on filing a separate proposed case management schedule tomorrow.

Regards,

Andy

Andrew W. Alexander

Attorney at Law

aalexander@calfee.com

216.622.8634 **Phone**

From: Means, Miranda <miranda.means@kirkland.com>
Sent: Tuesday, September 5, 2023 5:26 PM
To: Alexander, Andrew <AAlexander@Calfee.com>
Cc: Cipolla, John <JCipolla@Calfee.com>; Cendali, Dale M. <dale.cendali@kirkland.com>; Simmons, Joshua L. <joshua.simmons@kirkland.com>; Ilardi, Chris T. <chris.ilardi@kirkland.com>; mcavanagh@mcdonaldhopkins.com; McMullen, Dan <dmcullen@calfee.com>; Tucker, Todd <TTucker@Calfee.com>; #Hayden-TakeTwo <HaydenTakeTwo@kirkland.com>; Hayden-TakeTwo <Hayden-TakeTwo@Calfee.com>
Subject: RE: Hayden v. 2K Games, Inc.--Meeting re Case Management Schedule

Dear Andy,

As an initial matter, we cannot agree to consolidate the 1721 Case with the 2635 Case and would oppose any motion to consolidate without reopening discovery. The newly filed case involves a new game, NBA 2K21, on which fact and expert discovery may be required. Moreover, as the 2635 Case has been readied for trial twice already, we think the better course is to stay the 1721 Case pending resolution of the 2635 case. Please let us know whether Mr. Hayden will

agree. He waited years to bring this new lawsuit, including after the Court refused to permit further amendments of his complaint in the 2635 case, so there can be no prejudice to doing so.

On the proposed schedule, the dates you provided do not work for our team. As an initial matter, we plan to move for summary judgment based on the Register of Copyrights response, and believe that trial should be scheduled after summary judgment is decided. In any case, our team has trials in December, January, and February/March that make the earliest feasible date for us sometime in April 2024. We think the pre-trial filing deadlines should be closer in time to the actual trial date, and in any case after summary judgment is decided as that is likely to impact the trial.

Best,
Miranda

Miranda Means

She/Her/Hers

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From: Alexander, Andrew <AAlexander@Calfee.com>

Sent: Tuesday, September 5, 2023 9:55 AM

To: Means, Miranda <miranda.means@kirkland.com>

Cc: Cipolla, John <JCipolla@Calfee.com>; Cendali, Dale M. <dale.cendali@kirkland.com>; Simmons, Joshua L. <joshua.simmons@kirkland.com>; Ilardi, Chris T. <chris.ilardi@kirkland.com>; mcavanagh@mcdonaldhopkins.com; McMullen, Dan <dmcmullen@calfee.com>; Tucker, Todd <TTucker@Calfee.com>; #Hayden-TakeTwo <HaydenTakeTwo@kirkland.com>; Hayden-TakeTwo <Hayden-TakeTwo@Calfee.com>

Subject: RE: Hayden v. 2K Games, Inc.--Meeting re Case Management Schedule

Miranda,

Please let us know before 2:00 pm EST Take-Two's position on Mr. Hayden's proposed dates for the case management report, which is due tomorrow. We have not heard any response since our meet and confer last Tuesday.

Regards,

Andy

Andrew W. Alexander

Attorney at Law

aalexander@calfee.com

216.622.8634 **Phone**

From: Alexander, Andrew

Sent: Friday, September 1, 2023 1:37 PM

To: Means, Miranda <miranda.means@kirkland.com>

Cc: Cipolla, John <JCipolla@Calfee.com>; Cendali, Dale M. <dale.cendali@kirkland.com>; Simmons, Joshua L. <joshua.simmons@kirkland.com>; Ilardi, Chris T. <chris.ilardi@kirkland.com>; mcavanagh@mcdonaldhopkins.com; McMullen, Dan <dmcmullen@calfee.com>; Tucker, Todd <TTucker@Calfee.com>; #Hayden-TakeTwo <HaydenTakeTwo@kirkland.com>; Hayden-TakeTwo <Hayden-TakeTwo@Calfee.com>

Subject: RE: Hayden v. 2K Games, Inc.--Meeting re Case Management Schedule

Miranda,

I'm following up on our meet and confer on Tuesday. We discovered a conflict with the week of November 13. Please let us know if the weeks of December 11, December 18, or January 8 will work for your team for trial. Please also let us know if Take-Two agrees to the other dates Mr. Hayden proposed:

1. 9/8: Plaintiff to file supplementary registration applications for the Lion and Brother's Keeper copyrights.
2. 9/29: Deadline for filing pre-trial submissions:
 1. Trial Briefs
 2. Omnibus MILs
 3. Deposition Designations
3. 10/13: Oppositions to MILs

Our proposal to the Court is due next week on Wednesday, so please let us know Take-Two's position as soon as possible.

As we previewed on our call, yesterday Mr. Hayden filed a new, related case asserting the same copyrights against NBA 2K21 against 2K Games and Take-Two Interactive (the "1721 Case"). I've attached the Complaint and exhibits. Mr. Hayden would like to consolidate the 1721 Case with the previously filed case (the "2635 Case"). We think doing so serves judicial economy and would not delay the 2635 Case in any way. As you know, Take-Two already produced financials regarding 2K21 and the damages experts have provided reports that address NBA 2K21 in the 2635 Case. Moreover, we are not aware of any reason that consolidating the cases would require any additional fact discovery or would materially change Take-Two's defenses or trial presentation. Including NBA 2K21 in the 2635 Case should require nothing more than clerical revisions to the parties' pretrial filings, which the parties will have to file again anyways. Please let us know if Take-Two would join or agree not to oppose a motion to consolidate the 1721 Case with the 2635 Case and stipulate to not reopening fact discovery to do so.

Regards,

Andy

From: Alexander, Andrew

Sent: Monday, August 28, 2023 3:05 PM

To: Means, Miranda <miranda.means@kirkland.com>

Cc: Cipolla, John <JCipolla@Calfee.com>; Cendali, Dale M. <dale.cendali@kirkland.com>; Simmons, Joshua L. <joshua.simmons@kirkland.com>; Ilardi, Chris T. <chris.ilardi@kirkland.com>; mcavanagh@mcdonaldhopkins.com; McMullen, Dan <dmcullen@calfee.com>; Tucker, Todd <TTucker@Calfee.com>; #Hayden-TakeTwo <HaydenTakeTwo@kirkland.com>; Hayden-TakeTwo <Hayden-TakeTwo@Calfee.com>

Subject: RE: Hayden v. 2K Games, Inc.--Meeting re Case Management Schedule

Miranda,

That works for us. We can use this dial-in:

Join via iPhone one-tap:

+16699006833,,2966450084# or +19292056099,,2966450084#

Or join by phone using any of these numbers:

+1 669 900 6833

+1 929 205 6099

When prompted, enter CONFERENCE ID: 296 645 0084

Or join via URL using your computer:

<https://calfee.zoom.us/join/2966450084>

Regards,

Andy

From: Means, Miranda <miranda.means@kirkland.com>

Sent: Monday, August 28, 2023 2:42 PM

To: Alexander, Andrew <AAlexander@Calfee.com>

Cc: Cipolla, John <JCipolla@Calfee.com>; Cendali, Dale M. <dale.cendali@kirkland.com>; Simmons, Joshua L. <joshua.simmons@kirkland.com>; Ilardi, Chris T. <chris.ilardi@kirkland.com>; mcavanagh@mcdonaldhopkins.com; McMullen, Dan <dmcullen@calfee.com>; Tucker, Todd <TTucker@Calfee.com>; #Hayden-TakeTwo <HaydenTakeTwo@kirkland.com>; Hayden-TakeTwo <Hayden-TakeTwo@Calfee.com>

Subject: RE: Hayden v. 2K Games, Inc.--Meeting re Case Management Schedule

Dear Andy,

We are available tomorrow at 3pm ET. Does that work for you?

Best,
Miranda

Miranda Means

She/Her/Hers

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From: Alexander, Andrew <AAlexander@Calfee.com>

Sent: Monday, August 28, 2023 11:38 AM

To: Cendali, Dale M. <dale.cendali@kirkland.com>; Means, Miranda <miranda.means@kirkland.com>; Simmons, Joshua L. <joshua.simmons@kirkland.com>; Ilardi, Chris T. <chris.ilardi@kirkland.com>; mcavanagh@mcdonaldhopkins.com

Cc: Cipolla, John <JCipolla@Calfee.com>; McMullen, Dan <dmcullen@calfee.com>; Tucker, Todd <TTucker@Calfee.com>; #Hayden-TakeTwo <HaydenTakeTwo@kirkland.com>; Hayden-TakeTwo <Hayden-TakeTwo@Calfee.com>

Subject: Hayden v. 2K Games, Inc.--Meeting re Case Management Schedule

Counsel,

We'd like to arrange a call as soon as possible to discuss the case management schedule ordered by Judge Boyko on August 23. We're available the following times:

- This afternoon between 2:00 and 4:00 pm EST; and
- Anytime tomorrow Tuesday August 29.

Please let us know what works for you.

Regards,

Andy

Andrew W. Alexander

Attorney at Law

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